

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

FILED
JAMES BONINI
CLERK

2004 NOV 10 P 1:44

U.S. DISTRICT COURT
SOUTHERN DIST. OHIO
EAST OF COLUMBUS

UNITED STATES OF AMERICA

VS.

JOHN ALLEN SNOBLE

2:04 cr 193
No. _____

JUDGE GRAHAM

PLEA AGREEMENT

Plaintiff United States of America and Defendant JOHN ALLEN SNOBLE (collectively known as the "Parties") hereby enter into the following Plea Agreement ("Agreement") pursuant to Rule 11(c) of the Federal Rules of Criminal Procedure:

1. Defendant JOHN ALLEN SNOBLE will enter a plea of guilty to Count 1 of the Information filed herein which charges him with conspiracy to engage in monetary transactions in property derived from fraud in the sale of securities, in violation of 18 U.S.C. § 1956(h).

2. Defendant JOHN ALLEN SNOBLE understands the maximum penalty that may be imposed pursuant to a plea of guilty to Count 1 of the Information is a term of imprisonment for five (5) years, a fine in the amount of \$10,000, and three (3) years supervised release. Under 18 U.S.C. §3571, an alternative fine in the amount of \$250,000 may be imposed.

3. Prior to or at the time of sentencing, the defendant will pay a special assessment of \$100.00, as required in 18 U.S.C. §3013, to the United States District Court, at the Clerk's Office, 85 Marconi Boulevard, Columbus, Ohio 43215. Defendant will furnish to the

government a receipt or other evidence of payment by the time of sentencing.

4. The Parties acknowledge the terms of the plea discussion letter dated June 3, 2004, and executed by Defendant JOHN ALLEN SNOBLE on June 3, 2004, a copy of which is attached hereto as Exhibit A and incorporated as part of this Agreement, whereby the defendant agreed to cooperate and provide statements to the United States.

5. The Parties acknowledge that Defendant JOHN ALLEN SNOBLE has entered into an agreement with the United States Securities and Exchange Commission ("SEC"), by which he has agreed to cooperate with the SEC and to consent to the entry of a final judgment of permanent injunction and other equitable relief.

6. Defendant JOHN ALLEN SNOBLE agrees to testify truthfully and completely concerning all matters pertaining to the Information filed herein and to any and all other matters involving the conspiracy in which he may have been involved or as to which he may have knowledge. Defendant further agrees to continue with his cooperation with the United States by providing complete statements to authorities of the United States, including the SEC, concerning such matters prior to the entry of his guilty plea to Count 1 of the Information pursuant to this Agreement. Defendant agrees to continue to submit to supplemental debriefings on such matters whenever requested by authorities of the United States, including the SEC, whether before or after his plea is entered. Defendant further agrees to testify truthfully and completely as to all related activities whenever required by the United States, including the SEC, or in response to any valid court process.

Pursuant to §1B1.8 of the United States Sentencing Guidelines, the government agrees that any self-incriminating information so provided will not be used against the defendant in

determining the applicable guideline range for sentencing, or as a basis for upward departure from the guideline range.

7. By virtue of the defendant pleading guilty to Count 1 of the Information, the defendant understands that he is not a prevailing party as defined by 18 U.S.C. §3006A (statutory note captioned "Attorney Fees and Litigation Expenses to Defense") and hereby expressly waives his right to sue the United States.

8. The defendant, by pleading guilty to Count 1 of the Information: (a) admits each element of the offense necessary to establish guilt; (b) waives all constitutional rights with respect to defects in the Information; (c) waives a trial and all constitutional rights related to a trial regarding the offense charged in the Information; (d) waives all constitutional rights to have a jury determine any aspect of what sentence will be imposed, including any element of the offense that affects sentence, by proof beyond a reasonable doubt; and, (e) agrees that the Court will determine, by a preponderance of evidence, all aspects of how the United States Sentencing Guidelines will be determined in his case. It is the intent of the Parties, by this Agreement, for the defendant to waive any rights he might have under *Blakely v. Washington*, 124 S.Ct. 2531 (2004).

Accordingly, defendant is aware that the sentence will be imposed in accordance with the United States Sentencing Guidelines and Policy Statements. The defendant is further aware that the Court has jurisdiction and authority to impose any sentence within the statutory maximum set forth for the offense to which the defendant pleads guilty. The defendant is aware that the Court has not yet determined a sentence. The defendant is also aware that any estimate of the probable sentencing range under the United States Sentencing Guidelines that the defendant may have received from the defendant's counsel, the United States, or the probation office, is a prediction, not

a promise, and is not binding on the United States, the probation office, or the Court. The United States makes no promise or representation concerning what sentence the defendant will receive, and the defendant cannot withdraw the guilty plea based upon the actual sentence imposed.

9. If such plea of guilty is entered, and not withdrawn, and Defendant JOHN ALLEN SNOBLE acts in accordance with all other terms of this Agreement, the United States Attorney for the Southern District of Ohio agrees not to file additional charges against Defendant JOHN ALLEN SNOBLE based on the activities charged in the Information or based on other acts in the Southern District of Ohio occurring prior to the date of the Information and as to which defendant gives testimony or makes statements pursuant to this Agreement.

10. The United States Attorney for the Southern District of Ohio agrees that if Defendant JOHN ALLEN SNOBLE provides substantial assistance in the investigation or prosecution of others who have committed criminal offenses, the United States Attorney may move the Court pursuant to §5K1.1 of the United States Sentencing Guidelines and/or Rule 35 of the Federal Rules of Criminal Procedure for an appropriate departure from the otherwise applicable guideline range for defendant's sentence and will, in connection therewith, make known to the Court the nature and extent of defendant's assistance. Defendant understands that whether such motion should be made lies within the discretion of the United States Attorney and that whether and to what extent such motion should be granted are solely matters for determination by the Court.

11. Defendant JOHN ALLEN SNOBLE understands that this Agreement does not protect him from prosecution for perjury, should he testify untruthfully, or for making false statements, nor does it protect him from prosecution for other crimes or offenses as to which he does not make admissions or give truthful information and which the United States discovers by

independent investigation. Defendant JOHN ALLEN SNOBLE understands that the Court intends to question him on the record about the offense to which he will plead guilty pursuant to this Agreement, which questioning may be under oath and therefore could provide a basis for a later prosecution of defendant for perjury or for false statements.


12. Should the Defendant JOHN ALLEN SNOBLE fail to comply fully with the terms and conditions set forth herein or should he fail to appear as required for sentencing, this Agreement is voidable at the election of the government, in which case Defendant JOHN ALLEN SNOBLE shall be subject to prosecution as if the Agreement had never been made.

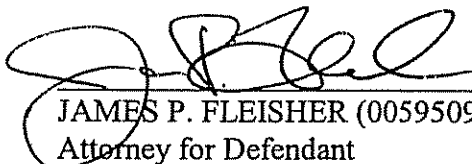
13. It is agreed if the Court refuses to accept any provision of this Agreement, neither party is bound by any of its provisions, Defendant JOHN ALLEN SNOBLE may withdraw his guilty plea, and the United States Attorney for the Southern District of Ohio may seek leave to dismiss the Information without prejudice and may seek identical and additional charges. Defendant JOHN ALLEN SNOBLE will not object to such dismissal or filing of further charges.

14. Defendant JOHN ALLEN SNOBLE understands and accepts that in addition to any criminal sanctions, defendant may be subject to other civil and/or administrative consequences, including, but not limited to, a prohibition against owning or possession firearms, loss or denial of any professional licenses, injunctive relief or monetary penalties.

15. The Parties acknowledge that this Agreement results from prior discussions between the attorneys for the government and the defendant's attorney, that all promises, agreements, and conditions relative to this matter have been expressly set forth herein, and that no additional promises, agreements, or conditions will be made unless in writing and signed by all parties.

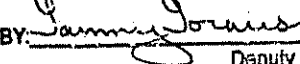
November 3, 2004
Dated


JOHN ALLEN SNOBLE
Defendant


JAMES P. FLEISHER (0059509)
Attorney for Defendant

GREGORY G. LOCKHART
United States Attorney


DALE E. WILLIAMS, JR. (0020094)
Assistant United States Attorney

I CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF THE ORIGINAL FILED IN MY OFFICE ON <u>November 10, 2004</u> JAMES BONINI, CLERK BY:  Deputy Clerk DATE: <u>November 10, 2004</u>	
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